IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7587 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ASSOCIATED CEMENT CO LTD

Versus

GUJ ELECTIRICITY BOARD

Appearance:

NANAVATI & NANAVATI for Petitioners

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 21/06/2001

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner, an industrial unit manufacturing cement, had challenged the upward revision in the electricity tariff made by the Gujarat Electricity Board with effect from 1.1.1985 and also further revision with effect from 16.5.1987. The petitioner had also

prayed for the consequential relief to direct the Gujarat Electricity Board to discontinue the recovery of additional tariff from the petitioner Company on the basis of the aforesaid revisions in the tariff. The petitioner had also prayed for refund of the additional tariff.

2. In para 5.3 of the petition, the petitioner made a reference to Special Civil Application No. 3692 of 1979 preferred by the Consumers Education & Research Association in which these very notifications increasing electricity tariff were challenged. The petitioner relied upon the admission of the said petition by this Court and the interim injunction granted therein.

3. At the hearing of this petition, the learned counsel for the petitioner fairly points out that the said Special Civil Application No. 3692 of 1979 has already been dismissed by a Division Bench of this Court on 21.1.1994 and the the said decision has also been relied upon by this Court while dismissing Special Civil Application No. 7113 of 1988 on 16.2.2001. The said petition was also filed by another industrial unit called Navsari Cotton & Silk Mills challenging the said upward revision of tariff for the supply of electricity by the Gujarat Electricity Board. A copy of the said order dated 16.2.2001 is placed on the record of these proceedings.

4. In view of the aforesaid development and the undisputed fact that Special Civil Application No. 3692 of 1979 challenging the same revision of tariff for the supply of electricity by the Gujarat Electricity Board has been dismissed by a Division Bench of this Court, this petition also deserves to the dismissed. Accordingly, the present petition is dismissed.

Rule is discharged with no order as to costs.

(M.S. Shah, J.)
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